

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONNA POPLAR,

Plaintiff,

vs.

Case No. 2:21-cv-12568-VAR-JJCG  
Hon. Victoria A. Roberts

GENESEE COUNTY ROAD COMMISSION  
and FRED F. PEIVANDI, in his  
individual capacity,

Defendants.

DEPOSITION OF JOHN MANDELARIS, taken on Tuesday,  
July 19, 2022, at 211 West Oakley Street, Flint, Michigan,  
noticed for 1:00 P.M.

APPEARANCES:

For the Plaintiff: LEE LEGAL GROUP, PLLC  
BY: CHARIS LEE, J.D. (P84127)  
117 West Flint Park Boulevard  
Flint, Michigan 48505  
(810) 513-9257  
charis@leebusinesslaw.com  
and  
GAFKAY LAW, PLC  
BY: JULIE A. GAFKAY, J.D. (53680)  
604-A South Jefferson Avenue  
Saginaw, Michigan 48607  
(989) 652-9240  
jgafkay@gafkaylaw.com

1 APPEARANCES (CONTINUED)

2 For the Defendant: HENN LESPERANCE, PLC  
3 BY: ANDREW A. CASCINI, J.D. (P76640)  
32 Market Avenue, SW, Suite 400  
4 Grand Rapids, Michigan 49503  
616) 551-1611  
5 aac@hennlesperance.com

6 Court Reporter: Cynthia Lathrop, CSR-2474

7

8

9

\* \* \* \*

10

11

INDEX TO EXAMINATION

12

13 WITNESS: JOHN MANDELARIS

14

15 Examination by Ms. Lee Page

16

17

18

\* \* \* \*

19

20

21

22

23

24

25

	Page 3		Page 5
<p>1 Flint, Michigan</p> <p>2 Tuesday, July 19, 2022</p> <p>3 1:00 p.m.</p> <p>4 R E C O R D</p> <p>5 COURT REPORTER: Do you solemnly swear</p> <p>6 or affirm to tell the whole truth in this matter so</p> <p>7 help you God?</p> <p>8 THE WITNESS: I do.</p> <p>9 MS. GAFKAY: Will you state your full</p> <p>10 name for the record?</p> <p>11 THE WITNESS: John Mandelaris.</p> <p>12 MS. GAFKAY: Mr. Mandelaris, my name is</p> <p>13 Julie Gafkay. I'm an attorney, together with Charis</p> <p>14 Lee, and we represent Donna Poplar in this action</p> <p>15 against Genesee County Road Commission.</p> <p>16 EXAMINATION</p> <p>17 BY MS. GAFKAY:</p> <p>18 Q. I understand that you are an attorney as well; is that</p> <p>19 right?</p> <p>20 A. Well, I'm retired. I haven't practiced law in over</p> <p>21 ten years.</p> <p>22 Q. Are you licensed still with the Michigan State Bar?</p> <p>23 A. Yes, I hold a license there.</p> <p>24 Q. Your license is current?</p> <p>25 A. Yes.</p>		<p>1 A. -- 10 years ago, I believe, 2012.</p> <p>2 Q. Is that an elected position?</p> <p>3 A. No, appointed.</p> <p>4 Q. And who appointed you?</p> <p>5 A. The Board of County Commissioners.</p> <p>6 Q. Is there a certain term?</p> <p>7 A. Yes, six years.</p> <p>8 Q. And so are you on your second --</p> <p>9 A. Yes.</p> <p>10 Q. -- term?</p> <p>11 A. Um-hum, second appointment.</p> <p>12 Q. When does that end?</p> <p>13 A. End of this year, end of 2022?</p> <p>14 Q. Is there a limit on how many different times -- terms</p> <p>15 you can --</p> <p>16 A. No --</p> <p>17 Q. -- serve?</p> <p>18 A. -- there's no limit.</p> <p>19 Q. Do you plan to run -- do you plan to serve another</p> <p>20 term?</p> <p>21 A. Yes.</p> <p>22 Q. And have you ever -- have you already been advised by</p> <p>23 the Board of County Commissioners that you can serve</p> <p>24 another term?</p> <p>25 A. I haven't contacted the Board of County Commissioners</p>	
	Page 4		Page 6
<p>1 Q. Okay.</p> <p>2 A. But it's restricted.</p> <p>3 Q. What does that mean?</p> <p>4 A. What's the term, back of the book, back of the</p> <p>5 directory.</p> <p>6 Q. Okay. Your license, there's some type of -- there's a</p> <p>7 limit --</p> <p>8 A. You can't practice --</p> <p>9 Q. Retirement status?</p> <p>10 A. Right.</p> <p>11 Q. And what year did you become licensed with the State</p> <p>12 Bar of Michigan?</p> <p>13 A. 1970.</p> <p>14 Q. And were you continuously licensed from 1970 to the</p> <p>15 present?</p> <p>16 A. Yes.</p> <p>17 Q. I understand that you're also a member of the -- or a</p> <p>18 Board member of the Genesee County Road Commission;</p> <p>19 is --</p> <p>20 A. That's correct.</p> <p>21 Q. -- that correct?</p> <p>22 And when did you -- when did you become</p> <p>23 a member, a Board member of the Genesee County --</p> <p>24 A. About --</p> <p>25 Q. -- Road Commission?</p>		<p>1 about that.</p> <p>2 Q. Okay. But you haven't been told that that body does</p> <p>3 not want you to serve --</p> <p>4 A. Correct.</p> <p>5 Q. -- another term?</p> <p>6 So tell me how many other -- how many</p> <p>7 total commissioners are there on the Genesee County</p> <p>8 Road Commission.</p> <p>9 A. There are five.</p> <p>10 Q. And currently who are the other Board members?</p> <p>11 A. Cloyce Dickerson, Tim Elkins, Cathy Lane, L-a-n-e.</p> <p>12 Q. "K" or "C," do you know?</p> <p>13 A. Cathy, it's with a "C"; and David Arceo.</p> <p>14 Q. Okay. And is this a paid position?</p> <p>15 A. Yes.</p> <p>16 Q. What is the pay?</p> <p>17 A. Nine thousand a year.</p> <p>18 Q. And how would you describe your responsibilities as a</p> <p>19 member of the Genesee County Road Commission?</p> <p>20 A. To provide direction for the Road Commission and to</p> <p>21 set policy; and that's pretty much the extent of it.</p> <p>22 Q. Does the Board -- is the Board responsible to</p> <p>23 supervise any individuals of the Genesee County Road</p> <p>24 Commission?</p> <p>25 A. Yes.</p>	

<p style="text-align: right;">Page 7</p> <p>1 Q. Which individual or individuals?</p> <p>2 A. Manager/director.</p> <p>3 Q. And who is that currently?</p> <p>4 A. Fred Peivandi.</p> <p>5 Q. Okay. Were you involved in Fred Peivandi's hire?</p> <p>6 A. Yes.</p> <p>7 Q. What was your involvement?</p> <p>8 A. As a member of the Road Commission, as being the</p> <p>9 employer.</p> <p>10 Q. Was there a vote?</p> <p>11 A. Yes.</p> <p>12 Q. Did you vote in favor of his hire?</p> <p>13 A. Yes.</p> <p>14 Q. Was he unanimous, if you know?</p> <p>15 A. No.</p> <p>16 Q. Who voted against?</p> <p>17 A. Cloyce Dickerson, I believe.</p> <p>18 Q. Do you know who Donna Poplar is?</p> <p>19 A. Yes.</p> <p>20 Q. And is she currently the director of Human Resources</p> <p>21 for the Genesee County Road Commission?</p> <p>22 A. Yes, she is.</p> <p>23 Q. And did you know her prior to her employment with the</p> <p>24 Genesee County Road Commission?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Yeah.</p> <p>2 Q. Were you on the Board at the time?</p> <p>3 A. Yes.</p> <p>4 Q. Were you involved -- was the Board involved or you</p> <p>5 involved at all in her hire?</p> <p>6 A. No.</p> <p>7 Q. Understanding that you provide direction to Genesee</p> <p>8 County Road Commission in your capacity as a Board</p> <p>9 member and set policy, what involvement, if any, have</p> <p>10 you had with Donna Poplar since her hire at the</p> <p>11 Genesee County Road Commission?</p> <p>12 A. Quite a bit, really.</p> <p>13 Q. Can you give me some examples of reasons you've had</p> <p>14 contact with her?</p> <p>15 A. Well, she's contacted me many times to discuss county</p> <p>16 matters.</p> <p>17 Q. What types of county matters has she contacted you</p> <p>18 about?</p> <p>19 A. Matters dealing with her position, matters dealing</p> <p>20 with her office.</p> <p>21 Q. Matters dealing with Human Resource office?</p> <p>22 A. Um-hum.</p> <p>23 Q. Is that "yes"?</p> <p>24 A. Yeah.</p> <p>25 Q. Is there personnel or a Human Resource committee for</p>
<p style="text-align: right;">Page 8</p> <p>1 Q. In what capacity? How did you know her prior?</p> <p>2 A. Many years ago, I was working for the County of</p> <p>3 Genesee as assistant corporation counsel, and she was</p> <p>4 the director of the Genesee County Committee Action</p> <p>5 Agency, which was one of the largest things in Genesee</p> <p>6 County, I mean, employment-wise, employees.</p> <p>7 Q. How long were you corporate counsel for Genesee</p> <p>8 County?</p> <p>9 A. Thirty-four years.</p> <p>10 Q. Do you recall the years?</p> <p>11 A. Yeah, 1974 to 2008.</p> <p>12 Q. Did somebody replace you in that role?</p> <p>13 A. Yes.</p> <p>14 Q. Who replaced you?</p> <p>15 A. I don't recall right now. I retired.</p> <p>16 Q. Oh, okay. I was just curious. What did you do after</p> <p>17 2008 as far as legal work, if any?</p> <p>18 A. None.</p> <p>19 Q. Is that when you retired?</p> <p>20 A. I retired and didn't do any other legal work.</p> <p>21 Q. All right. Going back to Donna Poplar, were you on</p> <p>22 the Board when she was hired?</p> <p>23 A. No -- wait, I think I was. It was 2016?</p> <p>24 Q. I was going to say, the records reflect that it was</p> <p>25 2016.</p>	<p style="text-align: right;">Page 10</p> <p>1 the Genesee County Road Commission?</p> <p>2 A. No.</p> <p>3 Q. Are there any other special committees?</p> <p>4 A. No. You're talking about the County Road Commission</p> <p>5 as a Board?</p> <p>6 Q. Yes.</p> <p>7 A. No, we don't have those committees.</p> <p>8 Q. Okay. Do all, if you know, do all policies that get</p> <p>9 implemented regarding Human Resources, for instance,</p> <p>10 for the Genesee County Road Commission, do those types</p> <p>11 of policies have to be approved by the Board?</p> <p>12 A. Yes.</p> <p>13 Q. You've testified that you, the Board supervisors --</p> <p>14 supervises the managing director, who is currently</p> <p>15 Fred Peivandi; correct?</p> <p>16 A. Managing director is Fred Peivandi.</p> <p>17 Q. Okay. And the Board supervises him; is that right?</p> <p>18 A. Yeah.</p> <p>19 Q. And are there individuals at the Road Commission who</p> <p>20 report directly to Fred Peivandi?</p> <p>21 A. Yes; many.</p> <p>22 Q. For instance, do the directors?</p> <p>23 A. The directors do.</p> <p>24 Q. And understanding, I believe, it was approximately</p> <p>25 November of 2021, do you recall that Donna Poplar,</p>

<p style="text-align: right;">Page 11</p> <p>1 even though she's director of Human Resources, that</p> <p>2 she was -- her reporting relationship changed from the</p> <p>3 managing director, Fred Peivandi to the deputy --</p> <p>4 <b>A.</b> Yes.</p> <p>5 <b>Q.</b> -- managing director, Randy Dellaposta?</p> <p>6 <b>A.</b> Yes.</p> <p>7 <b>Q.</b> Were you -- was the Board involved in that decision?</p> <p>8 <b>A.</b> Yes.</p> <p>9 <b>Q.</b> And did the Board make that decision?</p> <p>10 <b>A.</b> As far as I recollect, yes.</p> <p>11 <b>Q.</b> And what was the reason the Board made that decision?</p> <p>12 <b>A.</b> The reason being, we wanted an intermediary between</p> <p>13 the Human Resources director and the managing director</p> <p>14 of the Road Commission.</p> <p>15 <b>Q.</b> Okay. Was there a reason you wanted an intermediary?</p> <p>16 <b>A.</b> Well, at the time, it didn't seem that the two</p> <p>17 individuals were cooperating with each other.</p> <p>18 <b>Q.</b> And why do you say that?</p> <p>19 <b>A.</b> Why do I say that?</p> <p>20 <b>Q.</b> (Nodding head affirmatively).</p> <p>21 <b>A.</b> There seemed to be some pushback from Donna Poplar</p> <p>22 with respect to her boss, the managing director.</p> <p>23 <b>Q.</b> Was the pushback from Donna, did that come in part</p> <p>24 with regard to complaints she had made, formal</p> <p>25 complaints with the Board about the managing director,</p>	<p style="text-align: right;">Page 13</p> <p>1 with regard to Fred Peivandi; is that right?</p> <p>2 <b>A.</b> I wouldn't -- no, I don't think so.</p> <p>3 <b>Q.</b> Well, tell me, other than the fact that Donna Poplar</p> <p>4 complained to the Board about Fred Peivandi, what</p> <p>5 other pushback was there from Donna Poplar?</p> <p>6 <b>A.</b> There had been complaints by other members of the</p> <p>7 staff with respect to the managing director.</p> <p>8 <b>Q.</b> Anything else?</p> <p>9 <b>A.</b> Not that I can think of right now.</p> <p>10 <b>Q.</b> Okay. So the pushback from Donna included that there</p> <p>11 were complaints by other members of the staff</p> <p>12 regarding the managing director?</p> <p>13 <b>A.</b> I'd say yes.</p> <p>14 <b>Q.</b> And who were those other staff members?</p> <p>15 <b>A.</b> I believe her staff.</p> <p>16 <b>Q.</b> Do you know who those individuals were?</p> <p>17 <b>A.</b> One name that comes to mind is Rachel.</p> <p>18 <b>Q.</b> Anyone else you recall the name of?</p> <p>19 <b>A.</b> No, I don't; I can't recall the name.</p> <p>20 <b>Q.</b> You've testified that Donna Poplar, prior to November</p> <p>21 of 2021, made a complaint to the Genesee County Road</p> <p>22 Commission Board regarding race discrimination. Do</p> <p>23 you recall that?</p> <p>24 <b>A.</b> She did, yes.</p> <p>25 <b>Q.</b> And do you recall that she submitted something in</p>
<p style="text-align: right;">Page 12</p> <p>1 her supervisor, Fred Peivandi?</p> <p>2 <b>MR. CASCINI:</b> Objection as to</p> <p>3 foundation. You can answer.</p> <p>4 <b>THE WITNESS:</b> Oh, okay.</p> <p>5 <b>MR. CASCINI:</b> If you know and</p> <p>6 understand, obviously; but you can answer.</p> <p>7 <b>THE WITNESS:</b> That's hard to answer. I</p> <p>8 don't know exactly how to answer that.</p> <p>9 <b>Q.</b> (BY MS. GAFKAY) Well, had Donna Poplar made complaints</p> <p>10 prior to the reporting relationship changing that you</p> <p>11 just --</p> <p>12 <b>A.</b> Yes, she --</p> <p>13 <b>Q.</b> -- testified to?</p> <p>14 <b>A.</b> Yes, she had.</p> <p>15 <b>Q.</b> And other than -- and Donna Poplar's complaint, at</p> <p>16 least in part, was that she believed Fred Peivandi had</p> <p>17 discriminated against her based on race; is that true?</p> <p>18 <b>A.</b> No.</p> <p>19 <b>Q.</b> Had Donna Poplar complained that Fred Peivandi had</p> <p>20 discriminated against her based on race?</p> <p>21 <b>A.</b> Yes.</p> <p>22 <b>Q.</b> And she had done so prior to the change in reporting</p> <p>23 relationship?</p> <p>24 <b>A.</b> Yes.</p> <p>25 <b>Q.</b> And that is part of the pushback from Donna Poplar</p>	<p style="text-align: right;">Page 14</p> <p>1 writing to the Board?</p> <p>2 <b>A.</b> Yes.</p> <p>3 <b>Q.</b> Outside of what she had submitted in writing, did</p> <p>4 Donna Poplar ever come to you individually, either by</p> <p>5 mail, e-mail, phone, or in person to complain about</p> <p>6 race discrimination?</p> <p>7 <b>A.</b> Yeah, partly, partly.</p> <p>8 <b>Q.</b> All right. So, in other words, Donna Poplar -- did</p> <p>9 Donna Poplar come to you directly and complain, at</p> <p>10 least in part, about race discrimination?</p> <p>11 <b>A.</b> Yes.</p> <p>12 <b>Q.</b> All right. Do you recall when that was?</p> <p>13 <b>A.</b> Oh, for the last five years, I believe.</p> <p>14 <b>Q.</b> Several times?</p> <p>15 <b>A.</b> Um-hum.</p> <p>16 <b>Q.</b> Is that a "yes"?</p> <p>17 <b>A.</b> Um-hum.</p> <p>18 <b>Q.</b> And have some or all of those -- strike that.</p> <p>19 Have those complaints been related to</p> <p>20 how Fred Peivandi is treating her?</p> <p>21 <b>A.</b> As to how he's directing her.</p> <p>22 <b>Q.</b> Tell me what you mean by that.</p> <p>23 <b>A.</b> In an official capacity, how she's doing her job, what</p> <p>24 he wants done.</p> <p>25 <b>Q.</b> I see. And has she expressed to you that the way in</p>

<p style="text-align: right;">Page 15</p> <p>1 which Fred Peivandi wants her to do her job at times                  2 is -- would be racially discriminatory?                  3 A. No.                  4 Q. So I had originally -- we were talking about the fact                  5 that Donna Poplar has made complaints which included,                  6 at least in part, concerns of race discrimination.                  7 A. Yeah.                  8 Q. You said that relates to how he is directing her to do                  9 her job.                  10 A. Yes.                  11 Q. So what do you mean by that?                  12 A. Well, he would direct her to, I guess, implement                  13 various procedures with respect to individuals.                  14 That's all.                  15 Q. Okay. So what I'm trying to understand is, what did                  16 you take from that complaint or concern she raised                  17 with you that it was --                  18 A. Valid?                  19 Q. No no no. -- that it related to race?                  20 A. I -- I didn't -- I didn't think that was very                  21 important. I didn't think her complaints with respect                  22 to race carried much water.                  23 Q. Why not?                  24 A. Well, knowing Donna and knowing Fred, I didn't put                  25 much credence in it.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And did you have any reason to dispute that she had a                  2 disability?                  3 A. No.                  4 Q. In other words, do you believe that she had a                  5 disability?                  6 A. Yes.                  7 Q. And did Donna Poplar make a request for an                  8 accommodation for her disability?                  9 A. Yes.                  10 Q. And that request was either -- was for assistance with                  11 a part-time or full-time person in Human Resources?                  12 A. Not only that, but she also requested assistance,                  13 which was given by the Board for, like, larger                  14 television sets, physical accommodation.                  15 Q. Okay.                  16 A. I think she has the room darkened also.                  17 Q. And some of those things were granted?                  18 A. They were, yeah.                  19 Q. So one of the things that she requested was an                  20 administrative assistant?                  21 A. Yes.                  22 Q. Did you believe that Donna Poplar's request for                  23 accommodations were reasonable?                  24 A. Yes.                  25 Q. Is there any burden or risk of -- undue burden or risk</p>
<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. So I'm trying to understand. So let me ask                  2 some more questions so I can get a better picture of                  3 what you mean.                  4 A. Okay.                  5 Q. So what do you mean knowing Donna and knowing Fred?                  6 A. Well, Fred is someone who likes to be in command of a                  7 situation, and he directs Donna to do particular                  8 things in the course of employment, and those                  9 particular things, I always thought -- I mean, she                  10 might have connected them to disparate treatment with                  11 respect to race; I never did.                  12 Q. Sitting here today looking back, were there times that                  13 you believed that Donna Poplar was treated unfairly?                  14 A. Yes.                  15 Q. Can you give me any examples of times that you thought                  16 she was being treated unfairly?                  17 A. Well, one time is when she wanted an assistant, and                  18 she wanted that assistance because of her eyesight,                  19 physical impairment. I believe she thought she needed                  20 assistance because of the workload, and Fred did not                  21 think that her workload was that great. So he                  22 resisted that.                  23 Q. Okay. So do you recall that Donna requested an                  24 accommodation for a vision disability?                  25 A. Yes.</p>	<p style="text-align: right;">Page 18</p> <p>1 to the Genesee County Road Commission that that was                  2 ever identified to deny her any of those reasonable                  3 accommodations?                  4 A. Not that I know of, no.                  5 Q. Did Fred Peivandi reject Donna Poplar's request for an                  6 accommodation for an administrative assistant?                  7 A. Yes.                  8 Q. I understand that for a brief time -- well, strike                  9 that.                  10 Do you acknowledge -- do you recall                  11 that Donna went to the EEOC and made a formal                  12 complaint about her request for an accommodation being                  13 denied?                  14 A. I believe that was in her complaint with the EEOC, I                  15 believe.                  16 Q. And do you recall, after she did that for a time                  17 period, a brief time period, there was a designated                  18 administrative assistant in Human Resources that                  19 provided her some assistance?                  20 A. Yes.                  21 Q. And do you recall that person's name?                  22 A. I'm terrible with names. No.                  23 Q. I am too, so I feel your pain.                  24 A. Yeah.                  25 Q. So regardless of the name, that's not really what</p>



Page 19	Page 21
<p>1 matters as much as the fact that -- her name was</p> <p>2 Monica Pearson; do you recall that?</p> <p>3 A. There you go. Great employee.</p> <p>4 Q. And do you recall that she was designated as an</p> <p>5 administrative assistant in HR?</p> <p>6 A. Yes.</p> <p>7 Q. And part of what she -- a lot of what she was doing</p> <p>8 was assisting Donna?</p> <p>9 A. Yes.</p> <p>10 Q. And assisting Donna with her disability?</p> <p>11 A. Because Donna had a disability.</p> <p>12 Q. Right. Okay. Now, at some point, do you recall that</p> <p>13 Monica Pearson, this administrative assistant in HR,</p> <p>14 was moved to a different position?</p> <p>15 A. No.</p> <p>16 Q. At some point, do you know or recall that Donna Poplar</p> <p>17 no longer had a designated administrative assistant?</p> <p>18 A. No.</p> <p>19 Q. Do you know that today she does not have an</p> <p>20 administrative assistant?</p> <p>21 A. I do not know that.</p> <p>22 Q. Okay. Do you know that at some point in time, the</p> <p>23 Genesee County Road Commission stopped accommodating</p> <p>24 Donna?</p> <p>25 MR. CASCINI: Objection; foundation,</p>	<p>1 Q. To your knowledge, is there a budget line -- or is it</p> <p>2 budgeted for there to be a designated administrative</p> <p>3 assistant in HR who assists Donna Poplar with her</p> <p>4 vision disability?</p> <p>5 A. No, I don't know that.</p> <p>6 Q. Okay. Let me ask you this: To your knowledge, is</p> <p>7 there any reason for there not to be a designated</p> <p>8 administrative assistant -- HR administrative</p> <p>9 assistant assisting Donna with her vision disability?</p> <p>10 A. Do I know all of that? No.</p> <p>11 Q. No no, I'm not asking if you know. What I'm asking</p> <p>12 you is -- well, I'm asking you if you know of any</p> <p>13 reason why Donna Poplar would no longer have a</p> <p>14 designated HR administrative assistant accommodating</p> <p>15 her vision?</p> <p>16 A. No.</p> <p>17 Q. Is that what you understand should be happening?</p> <p>18 A. No.</p> <p>19 Q. Oh. What is your understanding?</p> <p>20 A. My understanding is, she should still have the</p> <p>21 administrative assistant --</p> <p>22 Q. Okay.</p> <p>23 A. -- as she was hired to be.</p> <p>24 Q. All right. Do you agree that if the individual who</p> <p>25 was hired to be her administrative assistant in HR was</p>
Page 20	Page 22
<p>1 assumes facts not in evidence.</p> <p>2 THE WITNESS: Do I know that the Road</p> <p>3 Commission stopped --</p> <p>4 Q. (BY MS. GAFKAY) Let me ask you. I apologize. That</p> <p>5 was poor wording.</p> <p>6 Do you have knowledge that Fred</p> <p>7 Peivandi, as the managing director, stopped</p> <p>8 accommodating Donna Poplar with an assistant?</p> <p>9 A. No.</p> <p>10 MR. CASCINI: Same objection.</p> <p>11 Q. (BY MS. GAFKAY) Has Donna Poplar -- do you have</p> <p>12 knowledge of Donna Poplar complaining about not having</p> <p>13 a designated administrative assistant in HR?</p> <p>14 A. Since the time when it was appointed to her?</p> <p>15 Q. Yes.</p> <p>16 A. In other words, lately?</p> <p>17 Q. Yes.</p> <p>18 A. No.</p> <p>19 Q. Are you aware that Monica Pearson is no longer in the</p> <p>20 administrative assistant for the HR role, that she is</p> <p>21 actually a benefit coordinator?</p> <p>22 A. No.</p> <p>23 Q. Do you know that Monica Pearson is the benefit</p> <p>24 coordinator?</p> <p>25 A. No.</p>	<p>1 moved to a different position, such as benefit</p> <p>2 coordinator, that that would no longer be the</p> <p>3 accommodation that Donna Poplar had requested?</p> <p>4 A. That Donna Poplar had requested originally?</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. Let me ask you differently because I think we're using</p> <p>8 double negatives here. I just want to make sure the</p> <p>9 record's clear when we read it after.</p> <p>10 Would an employee in the benefit</p> <p>11 coordinator role who at times is sometimes helping</p> <p>12 Donna with her vision disability fulfill Donna's</p> <p>13 request for accommodation to have a designated HR</p> <p>14 administrative assistant?</p> <p>15 MR. CASCINI: Objection on the basis of</p> <p>16 foundation.</p> <p>17 THE WITNESS: I don't think I can</p> <p>18 answer that properly because when Donna wanted an</p> <p>19 administrative assistant, that's as far as my</p> <p>20 involvement with it went. I don't know how she was</p> <p>21 using that person --</p> <p>22 Q. (BY MS. GAFKAY) Okay.</p> <p>23 A. -- to help her.</p> <p>24 Q. All right. So when Donna originally requested the</p> <p>25 accommodation of having an administrative assistant,</p>

Page 23	Page 25
<p>1 you believe that was reasonable?</p> <p>2 A. Yes.</p> <p>3 Q. Fred Peivandi wanted to reject that?</p> <p>4 A. Right.</p> <p>5 Q. Did he identify why he wanted to reject it?</p> <p>6 A. He didn't think the workload was sufficient for her to</p> <p>7 have an assistant.</p> <p>8 Q. And you disagreed with that?</p> <p>9 A. I disagreed with it.</p> <p>10 Q. And then your understanding is, at some point, she did</p> <p>11 get the administrative assistant?</p> <p>12 A. Yes.</p> <p>13 Q. Is that because -- do you know why that happened?</p> <p>14 A. Well, I voted for it because of her disability, her</p> <p>15 visual disability.</p> <p>16 Q. Okay. So in other words, it sounds like it was a --</p> <p>17 A. I was --</p> <p>18 Q. -- Board decision to get Donna -- to accommodate</p> <p>19 Donna?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And as a Board member who voted in favor</p> <p>22 of accommodating Donna Poplar's disability by</p> <p>23 designating an HR administrative assistant, are you</p> <p>24 aware of it ever coming before the Board to revoke</p> <p>25 that accommodation?</p>	<p>1 A. Yeah.</p> <p>2 Q. And you can't -- can you recall any of those instances?</p> <p>3 A. Not particularly, no.</p> <p>4 Q. Okay. Whether you -- well, strike that.</p> <p>5 I'm going to show you what's been</p> <p>6 marked as Exhibit 10 in these depositions. You can</p> <p>7 read it. I'm just going to ask you if you're familiar</p> <p>8 with it to begin with.</p> <p>9 A. (Reviewing document).</p> <p>10 Q. Have you ever seen what's been marked as Exhibit 10?</p> <p>11 A. Yes.</p> <p>12 Q. And this is a document dated January 28, 2021. It's</p> <p>13 addressed to the Genesee County Road Commission, and</p> <p>14 it's signed by Donna Poplar.</p> <p>15 Did you get a copy of this from Ms.</p> <p>16 Poplar on or about January 28, 2021?</p> <p>17 A. Yes.</p> <p>18 Q. Do you agree that, in this written complaint, Donna</p> <p>19 has raised concerns of race discrimination?</p> <p>20 A. Yes.</p> <p>21 Q. And that those concerns relate to how Fred Peivandi</p> <p>22 has treated her?</p> <p>23 A. Yes.</p> <p>24 Q. And do you agree that going directly to the Board with</p> <p>25 concerns about her supervisor discriminating against</p>
Page 24	Page 26
<p>1 A. No.</p> <p>2 MR. CASCINI: Objection; assumes facts</p> <p>3 not in evidence.</p> <p>4 Q. (BY MS. GAFKAY) Has it ever come before the Board</p> <p>5 since it was approved to give Donna Poplar a</p> <p>6 designated HR assistant to change that in any way?</p> <p>7 A. Not that I'm aware of, no.</p> <p>8 Q. So as far as you know or are concerned, Donna Poplar</p> <p>9 should still have a designated HR administrative</p> <p>10 assistant?</p> <p>11 MR. CASCINI: Objection; foundation and</p> <p>12 asked and answered.</p> <p>13 THE WITNESS: Yes.</p> <p>14 Q. (BY MS. GAFKAY) Okay.</p> <p>15 A. But now you're getting into the administration.</p> <p>16 Q. Okay.</p> <p>17 A. So that's really in the area of the responsibility of</p> <p>18 the managing director rather than the Board.</p> <p>19 Q. So you've testified to believing at times Donna Poplar</p> <p>20 was treated unfairly. Are there other instances where</p> <p>21 you believe Donna Poplar was treated unfairly?</p> <p>22 A. I can't recall instances, but there were probably two</p> <p>23 or three that I know of that she's complained of.</p> <p>24 Q. Two or three times you believe she was treated</p> <p>25 unfairly that she complained about; is that right?</p>	<p>1 her was appropriate for Donna Poplar to do?</p> <p>2 A. Yes.</p> <p>3 Q. And more specifically, do you agree that it was</p> <p>4 appropriate under the policies of the Genesee County</p> <p>5 Road Commission for Donna Poplar to go to the Genesee</p> <p>6 County Road Commission Board regarding concerns of</p> <p>7 race discrimination by her supervisor, Fred Peivandi?</p> <p>8 A. Yes.</p> <p>9 Q. And since that is the policy, since it's -- since it</p> <p>10 relates to the policies of Genesee County Road</p> <p>11 Commission for Donna Poplar to be able to go to the</p> <p>12 Genesee County Road Commission about inappropriate or</p> <p>13 discriminatory conduct by her supervisor, do you agree</p> <p>14 that that -- that she should continue to have that</p> <p>15 avenue in her employment?</p> <p>16 A. Yes; it's in the policy.</p> <p>17 Q. In other words, do you agree that it would be wrong to</p> <p>18 tell Donna Poplar she cannot make a complaint to the</p> <p>19 Genesee County Road Commission regarding her</p> <p>20 supervisor?</p> <p>21 A. Do I agree?</p> <p>22 Q. Yes.</p> <p>23 A. Yes.</p> <p>24 Q. And do you agree that it would be against policy, the</p> <p>25 Genesee County Road Commission policies, to foreclose</p>



<p style="text-align: right;">Page 27</p> <p>1 Donna Poplar from going to the Genesee County Road</p> <p>2 Commission regarding concerns relating to her</p> <p>3 supervisor, Fred Peivandi?</p> <p>4 <b>A.</b> When you say Commission, you're speaking of the</p> <p>5 <b>Q.</b> Yes.</p> <p>6 <b>A.</b> Yes.</p> <p>7 <b>Q.</b> Okay. Do you have knowledge that Donna Poplar was</p> <p>8 directed and advised by Fred Peivandi that she could</p> <p>9 no longer make a complaint or go to the Genesee County</p> <p>10 Road Commission Board on her own?</p> <p>11 <b>MR. CASCINI:</b> Objection; assumes facts</p> <p>12 not in evidence.</p> <p>13 <b>THE WITNESS:</b> I think I did.</p> <p>14 <b>Q.</b> (BY MS. GAFKAY) Well, let's go back and look at</p> <p>15 what's been marked as Exhibit 12. Have you ever seen</p> <p>16 what's been marked as Exhibit 12?</p> <p>17 <b>A.</b> Yes.</p> <p>18 <b>Q.</b> When was the first time that you saw this?</p> <p>19 <b>A.</b> After it was issued, probably three or four days after</p> <p>20 that.</p> <p>21 <b>Q.</b> And this is dated July 1st, 2021 to Donna Poplar from</p> <p>22 Fred Peivandi, and in here, for instance, Directive 1,</p> <p>23 it says, looking at the last -- looking under</p> <p>24 Directive 1, the last sentence in the paragraph, "...</p> <p>25 I direct you to raise privately with me any concerns</p>	<p style="text-align: right;">Page 29</p> <p>1 <b>A.</b> Either prior to or current with communications to the</p> <p>2 Board, Board members.</p> <p>3 <b>Q.</b> Okay. Let's talk about prior to. If Donna Poplar has</p> <p>4 a complaint about discrimination by Fred Peivandi --</p> <p>5 <b>A.</b> Um-hum.</p> <p>6 <b>Q.</b> -- you agree that it would be appropriate for her to</p> <p>7 go directly to the Board about those concerns?</p> <p>8 <b>MR. CASCINI:</b> Objection; asked and</p> <p>9 answered.</p> <p>10 <b>THE WITNESS:</b> Yes.</p> <p>11 <b>Q.</b> (BY MS. GAFKAY) Okay. I'm looking at what's been</p> <p>12 marked as Exhibit 16, since we're on the exhibits.</p> <p>13 Have you ever seen what's been marked as Exhibit 16?</p> <p>14 <b>A.</b> Yes.</p> <p>15 <b>Q.</b> This is a Disciplinary Action Notice to Donna Poplar</p> <p>16 from Fred Peivandi dated August 19th, 2021; correct?</p> <p>17 <b>A.</b> Yes.</p> <p>18 <b>Q.</b> When was the first time that you saw this?</p> <p>19 <b>A.</b> Honestly, I don't remember.</p> <p>20 <b>Q.</b> Let me ask you this: Do you recall, was the Board --</p> <p>21 well, let me ask you about yourself first. Were you</p> <p>22 consulted at all about this Disciplinary Action Notice</p> <p>23 before it was issued to --</p> <p>24 <b>A.</b> No.</p> <p>25 <b>Q.</b> -- Donna Poplar?</p>
<p style="text-align: right;">Page 28</p> <p>1 or criticisms you may harbor about work-related</p> <p>2 matters before addressing them directly with the Board</p> <p>3 or with employees outside of the management team." Do</p> <p>4 you see that?</p> <p>5 <b>A.</b> Um-hum.</p> <p>6 <b>Q.</b> Is that a "yes"? You just have to say yes for the</p> <p>7 record.</p> <p>8 <b>A.</b> Yes.</p> <p>9 <b>Q.</b> Okay. The next item also relates to communications</p> <p>10 from Donna to the Board and directs her to include him</p> <p>11 in any work-related communications she sends to the</p> <p>12 Board. Do you see that in Directive 2?</p> <p>13 <b>A.</b> (Looking at documents).</p> <p>14 <b>Q.</b> I think you're on the right page.</p> <p>15 <b>A.</b> Yeah, I see that.</p> <p>16 <b>Q.</b> Do you agree that if Donna Poplar had concerns of</p> <p>17 discrimination, for instance, by Fred Peivandi, that</p> <p>18 she doesn't need to talk to him first before raising</p> <p>19 those concerns to the Board?</p> <p>20 <b>A.</b> No.</p> <p>21 <b>Q.</b> "No" she does not need to raise with him first or "no"</p> <p>22 you don't agree?</p> <p>23 <b>A.</b> No. My answer is that she has to communicate it with</p> <p>24 the managing director.</p> <p>25 <b>Q.</b> You're saying --</p>	<p style="text-align: right;">Page 30</p> <p>1 <b>A.</b> No.</p> <p>2 <b>Q.</b> To your knowledge, was the Board notified or involved</p> <p>3 in this Disciplinary Action Notice before it was</p> <p>4 issued?</p> <p>5 <b>A.</b> No.</p> <p>6 <b>Q.</b> When a director level employee is disciplined, is the</p> <p>7 Board involved?</p> <p>8 <b>A.</b> No. It has to be -- that has to be advised.</p> <p>9 <b>Q.</b> Okay. How about in a circumstance where an employee</p> <p>10 is disciplined by the managing director after making a</p> <p>11 complaint concerning that managing director, is the</p> <p>12 Board advised before the discipline is issued?</p> <p>13 <b>MR. CASCINI:</b> Objection; asked and</p> <p>14 answered.</p> <p>15 <b>THE WITNESS:</b> I've requested that to be</p> <p>16 done.</p> <p>17 <b>Q.</b> (BY MS. GAFKAY) And why have you requested that that</p> <p>18 be done?</p> <p>19 <b>A.</b> So the Board is involved prior to severe discipline</p> <p>20 being administered to an employee or director.</p> <p>21 <b>Q.</b> One who has made a complaint?</p> <p>22 <b>A.</b> Yes.</p> <p>23 <b>Q.</b> And is that because the Genesee County Road Commission</p> <p>24 policies includes policies against retaliation?</p> <p>25 <b>A.</b> Yes.</p>

Page 31	Page 33
<p>1 Q. And in order to avoid even the appearance of 2 retaliation, as a board member, do you believe the 3 best course of action is for the Board to be involved 4 prior to issuing disciplinary action? 5 A. Yes. 6 Q. And did that happen in this -- did that happen with 7 regard to Donna Poplar? 8 A. No. 9 Q. When you reviewed or when you were notified of this 10 disciplinary action, were you concerned about whether 11 Fred Peivandi had retaliated against Donna Poplar? 12 A. Was I concerned? 13 Q. (Nodding head affirmatively). 14 A. Yes, I was concerned. 15 Q. Did you express that concern? 16 A. Yes. 17 Q. Do you know who Mr. Nolan (sic) is? 18 A. No. 19 Q. In August of 2021, were there any discussions either 20 during a Board meeting or after about the status of 21 Covid-19, the transmission rate and whether masking 22 should be required? 23 A. I don't recall. 24 Q. Looking at this disciplinary notice, on page two, 25 there was -- at the top of page two, the first full</p>	<p>1 A. No. 2 Q. Outside of that -- I understand your testimony 3 concerning your August 17 meeting and that you don't 4 recall that being discussed. I just want to ask you 5 some questions about August 2021. 6 Do you remember during that time period 7 that the transmission rate for Covid-19 in Genesee 8 County was at a high level? 9 A. Yes. 10 Q. Do you recall the county, Genesee County, mandating 11 that there should be masks -- 12 A. Yes. 13 Q. -- worn? 14 MR. CASCINI: Objection; assumes facts 15 not in evidence. 16 Q. (BY MS. GAFKAY) Do you recall that government 17 buildings were included in that mandate? 18 A. Yes. 19 MR. CASCINI: Same objection. 20 Q. (BY MS. GAFKAY) During that time period, when that 21 mandate came out by Genesee County, was the Genesee 22 County Road Commission requiring visitors and 23 employees to mask up? 24 A. Yes. 25 Q. If, in August of 2021, during that time period that</p>
Page 32	Page 34
<p>1 paragraph, it says, "Following the adjournment of our 2 next regularly scheduled GCRC Board of Commissioners 3 meeting..." -- then in parentheses it says, it was 4 August 17th, and it continues, "... you continue to 5 advocate before the Board in support of your position 6 concerning this issue and in spite of my clear, 7 unambiguous, and final decision to implement a 8 Covid-19 response policy which was partially at odds 9 with your preferred response strategy." 10 First, do you see where I'm reading? 11 A. Yes. 12 MS. GAFKAY: Okay. So then let's go to 13 Exhibit 21. 14 (Document marked Deposition 15 Exhibit No. 21.) 16 Q. (BY MS. GAFKAY) Here is Exhibit 21. This appears to 17 be the Board minutes for the meeting that's referenced 18 August 17th, 2021. Do you agree? 19 A. Yes. 20 Q. And were you present? 21 A. Yes. 22 Q. All right. Do you know what that paragraph is 23 referencing? 24 A. No. 25 Q. Do you recall a discussion about Covid-19?</p>	<p>1 Genesee County had issued that mandate for masks to be 2 worn in government buildings and Genesee County Road 3 Commission managing director was not requiring 4 visitors and employees to wear masks, is that a -- 5 would that have been a concern of yours? 6 MR. CASCINI: Objection; foundation and 7 misconstrues his prior testimony. 8 THE WITNESS: If that had happened. 9 Q. (BY MS. GAFKAY) Go ahead and look at what's been 10 marked as Exhibit 15. 11 A. (Reviewing document). 12 Q. Have you ever seen what's been marked as Exhibit 15? 13 A. No. 14 Q. There is a cc to GCRC Board of Commissioners. Would 15 you have been on the Board of Commissioners at that 16 time? 17 A. I don't see the cc -- oh, I see it. Yeah, I was on 18 the Board then. 19 Q. Okay. So it looks like, at least the document says it 20 was cc'd to you, but you don't recall specifically 21 receiving this? 22 A. Right, that's correct. 23 Q. And your belief was, at the time, employees and 24 visitors were required to wear a face mask? 25 A. Yes.</p>

<p style="text-align: right;">Page 35</p> <p>1 Q. Do you agree that it was a matter of public concern 2 whether to mask or not in light of the transmission 3 rate in August of 2021?</p> <p>4 A. Yes.</p> <p>5 Q. Do you agree that a disciplinary suspension of 6 employment for two weeks is a serious discipline?</p> <p>7 A. Yes.</p> <p>8 Q. From August 2021 to the present -- well, strike that. 9 From January 2021 to the present, has 10 the Board investigated whether to take any type of 11 disciplinary action against Fred Peivandi?</p> <p>12 A. No.</p> <p>13 Q. Looking back at Exhibit 10, you've testified you 14 received a copy of this as the Genesee County Road 15 Commission Board member from Donna?</p> <p>16 A. Yes.</p> <p>17 Q. As an employee under the policies, did Donna have a 18 right to make a complaint of race discrimination?</p> <p>19 A. Did she have a right to make a complaint?</p> <p>20 Q. Under the policy, yes.</p> <p>21 A. Yes.</p> <p>22 Q. Under the policies, are employees who believe he or 23 she is -- are being discriminated against based on 24 race, are employees who believe that encouraged to 25 make a complaint?</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. So do you have any reason to believe that she did not 2 really believe she was discriminated against?</p> <p>3 MR. CASCINI: Objection; asked and 4 answered.</p> <p>5 THE WITNESS: Yeah, I can't answer 6 that, because I don't know.</p> <p>7 Q. (BY MS. GAFKAY) Okay. Well -- okay. The next 8 document is Exhibit 11, and did you ever receive a 9 copy of this?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know who Craig Lange is?</p> <p>12 A. Yes.</p> <p>13 Q. Did you know him prior to April 27, 2021?</p> <p>14 A. No, I did not.</p> <p>15 Q. Apparently he was involved in investigating Donna 16 Poplar's January 28, 2021 complaint?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know how he got involved in investigating that 19 complaint?</p> <p>20 A. It was referred by the Board -- he was retained by the 21 Board.</p> <p>22 Q. Was he referred to the Board by someone?</p> <p>23 A. Well, he must have been, but I don't know who.</p> <p>24 Q. Okay. Was it someone you recommended?</p> <p>25 A. No. I didn't know him before that, never heard of</p>
<p style="text-align: right;">Page 36</p> <p>1 A. I can't answer that; I don't know.</p> <p>2 Q. Okay. Is there anything in Donna Poplar's complaint 3 to the Board of Commissioners that was false?</p> <p>4 A. I can't answer that.</p> <p>5 Q. Okay. Is there anything that you're aware of that was 6 false?</p> <p>7 MR. CASCINI: Objection; asked and 8 answered.</p> <p>9 THE WITNESS: No, I don't.</p> <p>10 Q. (BY MS. GAFKAY) Do you have any reason to believe 11 that Donna Poplar did not -- strike that. 12 Do you have any reason to believe Donna 13 Poplar's complaint of race discrimination was not made 14 in good faith?</p> <p>15 A. Do I believe it wasn't made in good faith?</p> <p>16 Q. Do you have any reason to believe --</p> <p>17 A. No, I don't have any reason to believe that it wasn't 18 made in good faith.</p> <p>19 Q. All right. And so if Donna had a good faith belief 20 that she was discriminated against, for instance, and 21 made a complaint, like she did, regardless of any 22 finding through any type of investigation, do you 23 agree that she should not have been retaliated 24 against?</p> <p>25 A. If that was her belief, yes.</p>	<p style="text-align: right;">Page 38</p> <p>1 him.</p> <p>2 Q. Has Fred Peivandi ever said to you or to the Board 3 that he wanted Donna Poplar fired?</p> <p>4 A. Yes.</p> <p>5 Q. And was that -- when was that?</p> <p>6 A. It was a personal conversation.</p> <p>7 Q. Oh, with you?</p> <p>8 A. With me only.</p> <p>9 Q. Was that after she had complained to the Board?</p> <p>10 A. Yes.</p> <p>11 Q. And what do you recall him saying?</p> <p>12 A. Just that, you know, if he could, he'd fire her. I 13 think it was based on her job performance.</p> <p>14 Q. Well, did he say anything specific about that?</p> <p>15 A. Well, something about -- I think it was after the 16 lawsuit was filed, I believe.</p> <p>17 Q. So at some point after Donna complained -- Donna 18 Poplar complained about race discrimination, Fred 19 Peivandi had a conversation with you where he said he 20 wanted to fire her?</p> <p>21 A. Yeah.</p> <p>22 Q. And what was your response, if any?</p> <p>23 A. I thought she was doing a good job.</p> <p>24 Q. So is it fair to say -- well, strike that. 25 Did you say -- did you oppose it</p>

<p style="text-align: right;">Page 39</p> <p>1 verbally to him? Did you say, "I don't think that's a</p> <p>2 good idea, I think she's doing a good job"? What do</p> <p>3 you remember saying to Fred, if anything?</p> <p>4 <b>A.</b> I don't know if I responded at all. He made that</p> <p>5 comment, but I didn't respond.</p> <p>6 <b>Q.</b> Is it fair to say that you did not agree that Donna</p> <p>7 Poplar should be fired?</p> <p>8 <b>A.</b> I -- yes.</p> <p>9 <b>Q.</b> You do not agree? You do agree --</p> <p>10 <b>A.</b> I agree that she should not be fired.</p> <p>11 <b>Q.</b> Thank you. And do you still believe she's doing a</p> <p>12 good job?</p> <p>13 <b>A.</b> Yes.</p> <p>14 <b>Q.</b> Has that ever -- has Fred Peivandi ever brought that</p> <p>15 issue to the Board? In other words, has Fred Peivandi</p> <p>16 ever asked the Board to discuss or approve discharging</p> <p>17 Donna?</p> <p>18 <b>A.</b> No.</p> <p>19 <b>Q.</b> Do you recall that Donna Poplar, after she was placed</p> <p>20 on a two-week disciplinary unpaid suspension, that she</p> <p>21 made another formal complaint of -- complaint?</p> <p>22 <b>A.</b> Yes.</p> <p>23 <b>Q.</b> And do you recall that she was put on administrative</p> <p>24 leave after that complaint?</p> <p>25 <b>A.</b> After what point was that?</p>	<p style="text-align: right;">Page 41</p> <p>1 <b>A.</b> With the Board collectively, no, I don't recall that.</p> <p>2 <b>Q.</b> Did he discuss it with you individually?</p> <p>3 <b>A.</b> I don't recall.</p> <p>4 <b>Q.</b> Okay.</p> <p>5 <b>A.</b> He might have.</p> <p>6 <b>Q.</b> And actually Exhibit 19 is when Donna Poplar was</p> <p>7 placed on the administrative leave. Did you receive a</p> <p>8 copy of this?</p> <p>9 <b>A.</b> No.</p> <p>10 <b>Q.</b> Have you ever received a copy of this?</p> <p>11 <b>A.</b> No.</p> <p>12 <b>Q.</b> Did you get knowledge -- gain knowledge that Donna</p> <p>13 Poplar had filed a lawsuit? Was the Board advised of</p> <p>14 that, that Donna Poplar had filed a lawsuit?</p> <p>15 <b>A.</b> Yes.</p> <p>16 <b>Q.</b> Was it after you learned that Donna Poplar had filed</p> <p>17 the lawsuit that she was reinstated?</p> <p>18 <b>A.</b> The timeline, I don't recall the timeline.</p> <p>19 <b>Q.</b> Okay. Do you recall at some point Donna Poplar was</p> <p>20 reinstated to her position?</p> <p>21 <b>A.</b> Yeah.</p> <p>22 <b>Q.</b> Do you recall that it was in November of 2021?</p> <p>23 <b>A.</b> No, I don't recall that --</p> <p>24 <b>Q.</b> Do you recall --</p> <p>25 <b>A.</b> -- specific date.</p>
<p style="text-align: right;">Page 40</p> <p>1 <b>Q.</b> Sure. We can look at that. Well, first of all, just</p> <p>2 for the timeline, we've looked at Exhibit 16. Exhibit</p> <p>3 16 shows Donna Poplar received the disciplinary</p> <p>4 action, and she received a two-week suspension;</p> <p>5 correct?</p> <p>6 <b>A.</b> Yes.</p> <p>7 <b>Q.</b> And the next page, do you recall that after -- that on</p> <p>8 or about August 26th, 2021, Donna Poplar made another</p> <p>9 written complaint of retaliation this time, continued</p> <p>10 race discrimination, harassment, differential</p> <p>11 treatment and hostile work environment against Fred</p> <p>12 Peivandi?</p> <p>13 <b>A.</b> Do I?</p> <p>14 <b>Q.</b> Do you recall that?</p> <p>15 <b>A.</b> Yes, I do.</p> <p>16 <b>Q.</b> Do you recall after she made -- Donna Poplar made this</p> <p>17 August 26, 2021 written complaint that, instead of</p> <p>18 returning to work after two weeks suspension, she was</p> <p>19 placed on administrative leave?</p> <p>20 <b>A.</b> Yes.</p> <p>21 <b>Q.</b> Were you involved either individually or as Board</p> <p>22 member with that decision to place her on</p> <p>23 administrative leave?</p> <p>24 <b>A.</b> I wasn't personally; I don't recall it, no.</p> <p>25 <b>Q.</b> Did Fred Peivandi discuss that with the Board?</p>	<p style="text-align: right;">Page 42</p> <p>1 <b>Q.</b> Okay, fair enough. Were you involved in her being</p> <p>2 brought back from administrative leave?</p> <p>3 <b>A.</b> No.</p> <p>4 <b>Q.</b> Did you discuss that with Fred Peivandi?</p> <p>5 <b>A.</b> No.</p> <p>6 <b>MS. GAFKAY:</b> Okay. I'm going to take a</p> <p>7 quick recess and I'll come back and finish up.</p> <p>8 <b>(Ms. Gafkay and Ms. Lee</b></p> <p>9 <b>left room and returned.)</b></p> <p>10 <b>MS. GAFKAY:</b> I just have a couple</p> <p>11 follow-up.</p> <p>12 <b>Q.</b> <b>(BY MS. GAFKAY)</b> Let me go back to Exhibit 17.</p> <p>13 <b>A.</b> 17, okay. All right.</p> <p>14 <b>Q.</b> You had testified that you recall receiving another</p> <p>15 complaint from Donna Poplar regarding retaliation,</p> <p>16 which is part of what's been marked as Exhibit 17.</p> <p>17 <b>A.</b> Um-hum.</p> <p>18 <b>Q.</b> Is that a "yes"?</p> <p>19 <b>A.</b> Yes.</p> <p>20 <b>Q.</b> To your knowledge, did the Board of Commissioners ever</p> <p>21 conduct an investigation or have an investigation</p> <p>22 conducted concerning Donna Poplar's August 26th, 2021</p> <p>23 complaint?</p> <p>24 <b>A.</b> To be honest with you, I don't recall.</p> <p>25 <b>Q.</b> Okay. And just going back, and I don't know if this</p>



Page 43	Page 45
<p>1 will refresh your memory or not, but do you recall</p> <p>2 that the Board of Commissioners, the Genesee County</p> <p>3 Road Commission Board of Commissioners, voted to bring</p> <p>4 Donna back after her administrative leave or from her</p> <p>5 administrative leave?</p> <p>6 A. I don't recall that at all, no.</p> <p>7 Q. It'll be a matter of minutes, I'm sure.</p> <p>8 A. Um-hum.</p> <p>9 MS. GAFKAY: I think that's -- if we</p> <p>10 could hold for two minutes, Charis was going to bring</p> <p>11 me something else, and I may have a question or two</p> <p>12 left.</p> <p>13 (Off record.)</p> <p>14 Q. (BY MS. GAFKAY) One of the commissioners is Cloyce</p> <p>15 Dickerson?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have a good relationship with Cloyce?</p> <p>18 A. Excellent, until today I think.</p> <p>19 Q. Do you recall there was a time that Donna Poplar</p> <p>20 wanted to do a presentation to the Board about the</p> <p>21 accomplishments of the Human Resource Department?</p> <p>22 A. Yes.</p> <p>23 Q. And was she able to do that?</p> <p>24 A. No.</p> <p>25 Q. Did Fred Peivandi deny her --</p>	<p>1 Q. And are there some employees in the Genesee County</p> <p>2 Road Commission who are part of a collective</p> <p>3 bargaining agreement, unionized?</p> <p>4 A. Yes.</p> <p>5 Q. How many different unions are there?</p> <p>6 A. There are three.</p> <p>7 Q. And so does the Board have three different collective</p> <p>8 bargaining agreements?</p> <p>9 A. Yes.</p> <p>10 Q. And as director of personnel, is Donna Poplar -- do</p> <p>11 her duties include --</p> <p>12 A. Yes.</p> <p>13 Q. -- being involved with those --</p> <p>14 A. Yes.</p> <p>15 Q. -- negotiations?</p> <p>16 A. Yes.</p> <p>17 Q. And working with any law firm that's hired --</p> <p>18 A. Yes.</p> <p>19 Q. -- to do those negotiations?</p> <p>20 A. Yes.</p> <p>21 MR. CASCINI: Wait until she finishes</p> <p>22 her question, please, so the record is clear, John.</p> <p>23 THE WITNESS: Oh, I'm sorry.</p> <p>24 MS. GAFKAY: That's okay.</p> <p>25 Q. (BY MS. GAFKAY) Does the Genesee County Road</p>
Page 44	Page 46
<p>1 A. Yes.</p> <p>2 Q. -- request to do that?</p> <p>3 A. Yes.</p> <p>4 Q. Did you believe her request to present to the Board</p> <p>5 was reasonable?</p> <p>6 A. Yes.</p> <p>7 Q. Did you tell Fred Peivandi that?</p> <p>8 A. Yes.</p> <p>9 Q. And did he still refuse to allow her to present?</p> <p>10 A. Yes.</p> <p>11 Q. Did he allow another director, Randy Dellaposta, to do</p> <p>12 a presentation?</p> <p>13 A. Yes, he did.</p> <p>14 Q. Do you believe that was unfair? Did you believe it</p> <p>15 was unfair for Fred Peivandi to let Randy</p> <p>16 Dellaposta --</p> <p>17 A. Yes --</p> <p>18 Q. -- do a presentation?</p> <p>19 A. -- and not Donna, yes.</p> <p>20 Q. So we've established that Donna Poplar's position is</p> <p>21 director of Human Resources; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. And does that include, essentially, the duties of a</p> <p>24 director of personnel?</p> <p>25 A. Yes.</p>	<p>1 Commission currently have a designated law firm to be</p> <p>2 involved in negotiations with the Board?</p> <p>3 A. Yes.</p> <p>4 Q. Who is that or what firm?</p> <p>5 A. His firm.</p> <p>6 Q. Okay. And do you recall when Mr. Cascini's firm</p> <p>7 became the designated firm to do negotiations?</p> <p>8 MR. CASCINI: I'm going to step in</p> <p>9 here, and I'm going to say that I do want any of your</p> <p>10 answers to be, for you to be mindful, privileged,</p> <p>11 please, and would instruct you as the witness not to</p> <p>12 disclose anything that would be privileged, although</p> <p>13 you can answer questions that would not implicate the</p> <p>14 attorney/client privilege.</p> <p>15 Q. (BY MS. GAFKAY) I just want to know how long.</p> <p>16 A. I believe it was about four years, three years, I</p> <p>17 believe.</p> <p>18 Q. All right. And at the time, was Donna Poplar the</p> <p>19 director of Human Resources?</p> <p>20 A. Yes.</p> <p>21 Q. Was she involved in the selection of the law firm?</p> <p>22 A. I don't know.</p> <p>23 Q. Is that typically something that the director of Human</p> <p>24 Resources would be involved in?</p> <p>25 A. Not necessarily.</p>



Page 47

1 Q. Would it be reasonable to involve the director of  
2 Human Resources in that decision, of which law firm  
3 would be negotiating for management with the unions?  
4 A. Yes.  
5 MS. GAFKAY: I don't have any further  
6 questions at this time.  
7 EXAMINATION  
8 BY MR. CASCINI:  
9 Q. Mr. Mandelaris, my name, as you know, is Andrew  
10 Cascini. I'm here today representing the Genesee  
11 County Road Commission, not that I'm telling you  
12 anything that you don't already know.  
13 I do have some follow-up questions to  
14 ask regarding this lawsuit and some of the matters  
15 that you already have given testimony about today.  
16 One topic that you gave testimony about  
17 concerned an administrative assistant in the Human  
18 Resources Department. Do you remember giving  
19 testimony on this topic, Mr. Mandelaris?  
20 A. Yes.  
21 Q. I believe you gave testimony that Fred initially  
22 opposed the creation of an administrative assistant  
23 position within the Human Resources Department; is  
24 that correct?  
25 A. Yes.

Page 48

1 Q. Do you remember whether Fred maintained that  
2 opposition at all times prior to the creation of the  
3 administrative assistant position?  
4 A. No.  
5 Q. So I want to make sure the testimony is clear there.  
6 You're saying you don't recall, you don't know whether  
7 or not he did or did not?  
8 A. Well, prior to the creation of the position, he must  
9 have had involvement.  
10 Q. Ah. Let me back up. Do you remember whether or not  
11 Fred maintained his opposition, not his involvement,  
12 at all times prior to the creation of the  
13 administrative assistant position?  
14 A. Well, he had to change his position for the creation.  
15 Q. Ah. So he did change his position?  
16 A. Yes.  
17 Q. Was there a time where he came to recommend to the  
18 Board that a position should be created and budgeted?  
19 A. Yes.  
20 Q. Do you recall whether he recommended, just to orient  
21 us in time, a part-time or full-time position?  
22 A. Yes.  
23 Q. And do you remember, was it a part-time or a full-time  
24 position that he recommended?  
25 A. Part-time.

Page 49

1 Q. You can actually go to, I'll be stealing Julie's  
2 exhibits here, you can go to Exhibit 8 in the exhibit  
3 book you have in front of you. We've formally marked  
4 these exhibits.  
5 MS. GAFKAY: You originally marked them  
6 in the Plaintiff's deposition, the first 20.  
7 MR. CASCINI: Okay.  
8 Q. (BY MR. CASCINI) Well, one way or another, by whose  
9 hand did it, Exhibit No. 8 has been marked here in  
10 front of you. Have you ever seen this particular  
11 document before, Mr. Mandelaris?  
12 A. (Reviewing document) Yes.  
13 Q. And I see that it is to the Board of County Road  
14 Commissioners, Genesee County; right?  
15 A. Yes.  
16 Q. It says it's from Fred Peivandi, Donna Poplar, Coetta  
17 Adams and Eric Johnston; correct?  
18 A. Yes.  
19 Q. And Coetta Adams was the former Finance director,  
20 although she's no longer with Genesee County; correct?  
21 A. Yes.  
22 Q. And there are a number of different initials that are  
23 by the authors of that document, FP by Fred Peivandi's  
24 name. Do you see that?  
25 A. Yes.

Page 50

1 Q. And it says at the bottom, "Recommendation: That the  
2 Board approve the following budget transfer," and it's  
3 an increase in the Human Resources line item budget  
4 for labor; is that right?  
5 A. Yes.  
6 Q. Is this consistent with the testimony you gave, that  
7 Fred eventually did end up recommending creating an  
8 administrative assistant position in the HR  
9 Department?  
10 A. Yes.  
11 Q. You were asked some questions earlier, John -- or I  
12 should say Commissioner Mandelaris, about Monica  
13 Pearson's promotion to benefit coordinator. Do you  
14 remember giving testimony about Monica Pearson being  
15 promoted into the benefit coordinator position?  
16 A. Do I remember what?  
17 Q. Do you remember giving testimony earlier in this --  
18 A. Yes, I remember giving testimony.  
19 Q. Do you know what the benefit coordinator position's  
20 job duties are?  
21 A. No.  
22 Q. Do you know whether or not the benefit coordinator  
23 position's job duties include the duty to assist Donna  
24 Poplar with respect to her visual disability? Do you  
25 know whether or not that is true?

<p style="text-align: right;">Page 51</p> <p>1 <b>A.</b> Yes.</p> <p>2 <b>Q.</b> Okay. If you know whether or not it is true, is it</p> <p>3 true that the benefit coordinator position's job</p> <p>4 duties include the responsibility to help Donna Poplar</p> <p>5 with her visual disability?</p> <p>6 <b>A.</b> That's correct.</p> <p>7 <b>Q.</b> Do you know who made that change?</p> <p>8 <b>A.</b> That was the original request; that was the original</p> <p>9 thought when the position was being created.</p> <p>10 <b>Q.</b> Well, I don't want to at all misconstrue any testimony</p> <p>11 here, Commissioner Mandelaris, but I do want the</p> <p>12 record to be clear. So perhaps there has been a small</p> <p>13 error.</p> <p>14 When I say the benefit coordinator</p> <p>15 position, please distinguish this from the</p> <p>16 administrative assistant position. The administrative</p> <p>17 assistant position is the one we were giving testimony</p> <p>18 about to which you just saw the document where Fred</p> <p>19 Peivandi recommended it.</p> <p>20 <b>A.</b> Um-hum.</p> <p>21 <b>Q.</b> The benefit coordinator position is a position that</p> <p>22 Monica Pearson was later promoted into. I'm asking</p> <p>23 you questions about the benefit coordinator position</p> <p>24 that Monica Pearson was later promoted into.</p> <p>25 Do you know whether or not the benefit</p>	<p style="text-align: right;">Page 53</p> <p>1 <b>A.</b> No, that's not my testimony.</p> <p>2 <b>Q.</b> I would appreciate, then, clarification for the</p> <p>3 record. So does the reasonableness depend on what the</p> <p>4 job title is; in other words, if we change the job</p> <p>5 title, does it become no longer reasonable or would</p> <p>6 the reasonability maintain?</p> <p>7 <b>MS. GAFKAY:</b> Object to form.</p> <p>8 <b>THE WITNESS:</b> Reasonability remains.</p> <p>9 <b>Q.</b> (BY MR. CASCINI) So is it safe to say that the</p> <p>10 reasonability depends on the job functions that are</p> <p>11 performed?</p> <p>12 <b>A.</b> I can't answer because I don't know what the job</p> <p>13 functions would be.</p> <p>14 <b>Q.</b> Fair enough. I would like to ask you some questions</p> <p>15 about the scope of authority that the Board holds as</p> <p>16 opposed to the scope of authority held by the managing</p> <p>17 director, both of the Road Commission. When I say the</p> <p>18 Board, I mean, obviously, the Genesee County Board of</p> <p>19 Road Commissioners, which you are a part of, and when</p> <p>20 I say the managing director, I'm referring in this</p> <p>21 instance to Fred Peivandi, that position in general.</p> <p>22 What in general is the responsibility</p> <p>23 of the Board of Road Commissioners?</p> <p>24 <b>A.</b> The responsibility with respect to the managing</p> <p>25 director's oversight.</p>
<p style="text-align: right;">Page 52</p> <p>1 coordinator position has job duties that include the</p> <p>2 responsibility to accommodate Donna Poplar's visual</p> <p>3 disability?</p> <p>4 <b>A.</b> No, I don't know that.</p> <p>5 <b>Q.</b> Okay. You testified earlier that you considered the</p> <p>6 creation of the administrative assistant position, so,</p> <p>7 again, I note for the purpose of the record, the</p> <p>8 distinction here, we're no longer talking about the</p> <p>9 benefit coordinator position; we're now talking about</p> <p>10 the administrative assistant position.</p> <p>11 <b>A.</b> Okay.</p> <p>12 <b>Q.</b> You testified earlier that you considered the creation</p> <p>13 of an administrative assistant position to be a</p> <p>14 reasonable accommodation, in part, because of Donna</p> <p>15 Poplar's disability.</p> <p>16 Does the reasonableness of that</p> <p>17 accommodation depend on the specific job title to</p> <p>18 which that responsibility was assigned?</p> <p>19 <b>A.</b> Yes.</p> <p>20 <b>Q.</b> So it is not -- if we called the position an</p> <p>21 administrative assistant and we gave the duty to</p> <p>22 assist her with her visual disability, if we were to</p> <p>23 change the job title, then it would no longer be a</p> <p>24 reasonable accommodation; is that your testimony</p> <p>25 today?</p>	<p style="text-align: right;">Page 54</p> <p>1 <b>Q.</b> Excellent. And what is the -- what are generally the</p> <p>2 responsibilities of the managing director?</p> <p>3 <b>A.</b> The managing director is to operate and direct and</p> <p>4 fulfill the responsibilities of the Road Commission,</p> <p>5 both the maintenance and engineering.</p> <p>6 <b>Q.</b> And is some of the operational responsibility that the</p> <p>7 managing director has been delegated, does that</p> <p>8 include the ability to -- does that include the</p> <p>9 ability to hire and fire employees?</p> <p>10 <b>A.</b> Yes.</p> <p>11 <b>Q.</b> Does it include the ability to discipline employees?</p> <p>12 <b>A.</b> Yes.</p> <p>13 <b>Q.</b> Does it include the ability to evaluate employees?</p> <p>14 <b>A.</b> Yes.</p> <p>15 <b>Q.</b> So just to clarify, those are roles of the managing</p> <p>16 director; those are not roles of the Board?</p> <p>17 <b>A.</b> That's correct.</p> <p>18 <b>Q.</b> Or the oversight responsibility, the managing director</p> <p>19 has the day-to-day responsibility; is that safe to</p> <p>20 say?</p> <p>21 <b>A.</b> It's safe, yes.</p> <p>22 <b>Q.</b> I want to go back to an exhibit we prior referenced,</p> <p>23 Exhibit No. 10. I'll have you turn to this document</p> <p>24 when you get a moment, Mr. Mandelaris, and orient</p> <p>25 yourself about what document we're talking about.</p>

<p style="text-align: right;">Page 55</p> <p>1 A. (Reviewing document).</p> <p>2 Q. This is a copy of the complaint that the Genesee</p> <p>3 County Board of Road Commissioners received from Ms.</p> <p>4 Poplar; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. The first complaint she filed, I should say.</p> <p>7 A. Um-hum.</p> <p>8 Q. And the Board received this document. That was your</p> <p>9 testimony; correct?</p> <p>10 A. Yes.</p> <p>11 Q. What did the Board decide to do after it received a</p> <p>12 copy of this complaint?</p> <p>13 A. I believe it was referred to our labor attorney, Tom</p> <p>14 Derderian, for review.</p> <p>15 Q. Now, I'm going to urge you not to testify about</p> <p>16 anything that Tom may or may not have done while he</p> <p>17 was in the position of labor relations attorney for</p> <p>18 the Road Commission; but do you know -- strike that.</p> <p>19 I'm going to ask you -- I'm going to</p> <p>20 read from the very first sentence of the third full</p> <p>21 paragraph of this document, Ms. Poplar's complaint.</p> <p>22 It says, "I request an early action and proper</p> <p>23 investigation of this situation."</p> <p>24 Do you know whether the Board ever</p> <p>25 ordered an investigation of the situation to occur?</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. All right. That's fair. With respect to the</p> <p>2 investigation, do you have any reason to doubt that a</p> <p>3 legitimate, full and fair investigation of Donna</p> <p>4 Poplar's complaint was carried out by Mr. Lange?</p> <p>5 A. Do I have any doubt?</p> <p>6 Q. Do you have any reason to doubt?</p> <p>7 A. No, I don't have any reason to doubt.</p> <p>8 Q. And I'm going to ask you not to disclose the details</p> <p>9 of any sort of privileged communication, but</p> <p>10 privileged or no, were you presented with a report</p> <p>11 from Mr. Lange's investigation after it was concluded,</p> <p>12 as the Board, I mean to say?</p> <p>13 A. As the Board?</p> <p>14 Q. Yes.</p> <p>15 A. Yes.</p> <p>16 Q. So just because I want to make sure that we don't have</p> <p>17 crosstalk on the record, Mr. Mandelaris, that was yes,</p> <p>18 you were presented with a copy of the report?</p> <p>19 A. Yes.</p> <p>20 Q. And I'm going to ask you to turn your attention to</p> <p>21 Exhibit No. 11, which is the April 27th letter signed</p> <p>22 by Mr. Lange. The copy of the report that you</p> <p>23 received from Mr. Lange, is it longer than this</p> <p>24 letter?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 56</p> <p>1 A. Yes.</p> <p>2 Q. And was that investigation, the one you testified</p> <p>3 about earlier, the one engaged in by Mr. Craig Lange?</p> <p>4 A. Yes.</p> <p>5 Q. And did you have an opportunity to meet Mr. Lange</p> <p>6 prior to him beginning the investigation?</p> <p>7 A. No.</p> <p>8 Q. To the extent there are Board meeting minutes that</p> <p>9 suggest that he presented to the Board prior to the</p> <p>10 Board making the decision, would you have a reason to</p> <p>11 doubt those Board meeting minutes?</p> <p>12 A. Well, minutes are compiled as best the secretary can</p> <p>13 remember; that's why you have the recording. So I</p> <p>14 guess so.</p> <p>15 Q. You do not recall that there was a meeting where Craig</p> <p>16 Lange appeared by electronic Zoom and presented to the</p> <p>17 Board prior to making the decision to engage his firm</p> <p>18 to --</p> <p>19 A. No.</p> <p>20 Q. -- have the investigation?</p> <p>21 A. No.</p> <p>22 Q. Do you recall that Charis Lee, who is one of the</p> <p>23 attorneys for the Plaintiff, was also present at that</p> <p>24 meeting and also appeared via Zoom at that meeting?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 58</p> <p>1 Q. You did not receive a copy of the report from Mr.</p> <p>2 Lange's office that was lengthier than this letter?</p> <p>3 A. No, I don't recall that.</p> <p>4 Q. When you say that you do not recall that, does it mean</p> <p>5 that you are certain it did not happen or that you</p> <p>6 don't remember whether or not that happened?</p> <p>7 A. I don't remember whether or not that happened.</p> <p>8 Q. Okay, understood. To the extent this investigation</p> <p>9 had come to a different conclusion, so I'm asking a</p> <p>10 hypothetical question, to the extent this</p> <p>11 investigation had concluded that Fred Peivandi had</p> <p>12 engaged in discrimination, harassment or retaliation</p> <p>13 against Ms. Poplar, would you have recommended taking</p> <p>14 no action?</p> <p>15 A. No.</p> <p>16 Q. In other words, did you rely in part on the result of</p> <p>17 the investigation when, as a Board, you decided what</p> <p>18 you were going to do in response to the January</p> <p>19 complaint?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have any reason to doubt the conclusions</p> <p>22 reached by Attorney Craig Lange were erroneous,</p> <p>23 arbitrary or capricious in any way?</p> <p>24 MS. GAFKAY: Object to the form.</p> <p>25 THE WITNESS: I agree with it a hundred</p>

Page 59	Page 61
<p>1 percent.</p> <p>2 Q. (BY MR. CASCINI) And do you recall ever reviewing any</p> <p>3 document that outlined his reasons and the evidence</p> <p>4 considered and the witnesses interviewed and the</p> <p>5 process of reaching the conclusions that are present</p> <p>6 on Exhibit No. 11?</p> <p>7 A. No, I do not.</p> <p>8 Q. Couldn't say whether or not that happened?</p> <p>9 A. Couldn't say whether or not that happened.</p> <p>10 Q. Got it. Earlier you gave testimony that you did not</p> <p>11 believe that the Board had made the decision to</p> <p>12 reinstate Donna Poplar to work.</p> <p>13 If the Board meeting minutes from</p> <p>14 November 2nd, 2021 say differently, do you suspect</p> <p>15 that maybe your memory about that issue is mistaken,</p> <p>16 then, or do you suspect that the Board meeting minutes</p> <p>17 are somehow flawed?</p> <p>18 A. No; I rely on the Board minutes.</p> <p>19 Q. Do you remember who made a motion to reinstate Donna</p> <p>20 Poplar to work at the November 2nd, 2021 meeting?</p> <p>21 A. No, I don't remember.</p> <p>22 Q. Fair enough. It was a while ago, Mr. Mandelaris; I</p> <p>23 understand.</p> <p>24 Do you remember when you first became</p> <p>25 aware that Donna Poplar had filed the federal lawsuit</p>	<p>1 Craig Lange, and I'm going to merely ask you at the</p> <p>2 end of the statement whether you agree or disagree</p> <p>3 with the statement.</p> <p>4 Do you agree or disagree with the</p> <p>5 following statement: "I believe the stressors you</p> <p>6 feel" -- referring to Ms. Poplar -- "at your</p> <p>7 employment" -- that is that of the HR director -- "are</p> <p>8 not the result of invidious, discriminatory practices</p> <p>9 or illegal harassment or retaliation, but the result</p> <p>10 of what one witness characterized as a 'turf war'</p> <p>11 between two people (you and Mr. Peivandi) who have</p> <p>12 strong personalities and who desire to be in control."</p> <p>13 Do you agree or disagree with that</p> <p>14 statement in your own personal assessment?</p> <p>15 A. I agree a hundred percent.</p> <p>16 Q. I'm going to ask you to turn to what's been marked as</p> <p>17 Exhibit No. 13.</p> <p>18 John, do you remember whether or not</p> <p>19 you've ever seen this document before, the one that is</p> <p>20 captioned at the top Medical Health Officer, Indoor</p> <p>21 Mask Directive?</p> <p>22 A. I don't believe I ever saw it.</p> <p>23 Q. Completely understandable. You were asked earlier</p> <p>24 whether you knew Mr. Nolan. Do you know a</p> <p>25 Commissioner on the Genesee County Board Bryant</p>
Page 60	Page 62
<p>1 that is at issue in this deposition today?</p> <p>2 A. I don't remember.</p> <p>3 Q. Okay. Do you remember whether or not it was before</p> <p>4 she was actually back at work from her paid</p> <p>5 administrative leave?</p> <p>6 A. I don't remember that, either.</p> <p>7 Q. You gave testimony that at one point in time, Fred</p> <p>8 Peivandi made a comment to you that was, "If I could"</p> <p>9 -- referring to Mr. Peivandi -- "I'd fire her" --</p> <p>10 meaning Donna Poplar -- "based on her job performance."</p> <p>11 Do you remember when this conversation occurred?</p> <p>12 A. Probably in the last month.</p> <p>13 Q. Do you remember anything else about that conversation?</p> <p>14 A. No, that was it.</p> <p>15 Q. Was anyone else present during that conversation?</p> <p>16 A. No; just the two of us.</p> <p>17 Q. Did Fred give any other explanation or did Fred expand</p> <p>18 at all on that opinion that he expressed to you?</p> <p>19 A. No, he didn't expand on it.</p> <p>20 Q. Did Fred say whether or not he wanted to terminate her</p> <p>21 because she filed a complaint?</p> <p>22 A. No, he didn't say that.</p> <p>23 Q. I'm going to read a statement to you, I'm not going to</p> <p>24 conceal where it's coming from, it's coming from</p> <p>25 Exhibit 11, which is the April 27th letter by Mr.</p>	<p>1 Nolden?</p> <p>2 A. Yes.</p> <p>3 Q. You're familiar with who that is?</p> <p>4 A. Yes, I am.</p> <p>5 Q. And I asked you a poor question. Who is Mr. Nolden?</p> <p>6 A. He's on the Board of County Commissioners.</p> <p>7 Q. Yes, okay. I'm going to ask you to take a quick look</p> <p>8 at Exhibit No. 15 again. This is a memorandum dated</p> <p>9 August 17th, 2021. It's from -- or purports to be</p> <p>10 from, I should say, Fred Peivandi, managing director</p> <p>11 and Donna Poplar, director of HR. It says subject,</p> <p>12 MIOSHA Recommendations.</p> <p>13 You gave some -- you were asked a</p> <p>14 couple questions about this document before. In your</p> <p>15 opinion, Mr. Mandelaris, does this document represent</p> <p>16 an official communication on behalf of the Genesee</p> <p>17 County Road Commission?</p> <p>18 A. Yes.</p> <p>19 Q. I'm going to ask you to take a look at the document</p> <p>20 that's been marked as Exhibit 18. This is the</p> <p>21 document that is marked with Bates No. Defendant's RPD</p> <p>22 RESP 7 No. 120.</p> <p>23 Mr. Mandelaris, have you seen this</p> <p>24 document before?</p> <p>25 A. Yes, I have.</p>



<p style="text-align: right;">Page 63</p> <p>1 Q. Did the Board receive this document --</p> <p>2 A. Yes.</p> <p>3 Q. -- Cloyce Dickerson, to the best of your recollection?</p> <p>4 A. The document that's designated Lee Legal Group?</p> <p>5 Q. That's correct, yes --</p> <p>6 A. Yes.</p> <p>7 Q. -- that's the one we're referring to.</p> <p>8 A. Yes.</p> <p>9 Q. Okay. I'm going to ask you to turn to page three of</p> <p>10 that document. It says Settlement Discussion, which</p> <p>11 is the second header.</p> <p>12 A. Yeah.</p> <p>13 Q. "Ms. Poplar is willing to mediate her concerns. An</p> <p>14 authorized representative may contact this firm by</p> <p>15 Tuesday, October 12, 2021 to indicate its willingness</p> <p>16 to discuss this matter."</p> <p>17 Without getting into the substance of</p> <p>18 any privileged communications or privileged directive</p> <p>19 that you may have given, did the Board appoint an</p> <p>20 authorized representative to reach out to Donna</p> <p>21 Poplar's attorney to discuss and mediate her concerns?</p> <p>22 MS. GAFKAY: Object to the form.</p> <p>23 Inadmissible under 408.</p> <p>24 Q. (BY MR. CASCINI) You may answer, Mr. Mandelaris.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 65</p> <p>1 A. African-American.</p> <p>2 Q. What do you perceive Mr. Peivandi's race to be?</p> <p>3 A. Caucasian.</p> <p>4 Q. During the Covid-19 pandemic, in your opinion, did</p> <p>5 Genesee County Road Commission administration take</p> <p>6 seriously its obligations to defend the public and its</p> <p>7 employees --</p> <p>8 A. Yes.</p> <p>9 Q. -- from transmission of Covid-19?</p> <p>10 A. Yes.</p> <p>11 Q. You felt that Ms. Poplar took her responsibilities in</p> <p>12 this regard seriously?</p> <p>13 A. I do.</p> <p>14 Q. Do you feel that Mr. Peivandi took his</p> <p>15 responsibilities in this regard seriously?</p> <p>16 A. I do.</p> <p>17 Q. You testified earlier that you were not a part of the</p> <p>18 decision to place Ms. Poplar on a two-week unpaid</p> <p>19 suspension; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. You also testified that you were not a part of the</p> <p>22 decision to place her on a paid administrative leave;</p> <p>23 is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Do you have independent knowledge of the reasons that</p>
<p style="text-align: right;">Page 64</p> <p>1 Q. And did the Board ever permit a closed session meeting</p> <p>2 with Donna Poplar where her complaints were discussed?</p> <p>3 A. No; I don't remember any closed session.</p> <p>4 Q. You don't remember it; it could've happened, could not</p> <p>5 have happened?</p> <p>6 A. Right.</p> <p>7 Q. Got it. Forgive me if this is a softball, Mr.</p> <p>8 Mandelaris, but who is Mr. Anthony Branch?</p> <p>9 A. Mr. Anthony Branch is the director of the Maintenance</p> <p>10 division of the Genesee County Road Commission.</p> <p>11 Q. Okay. And he's been here a long time, hasn't he?</p> <p>12 A. Oh, ages.</p> <p>13 Q. Been here longer than you have?</p> <p>14 A. Been here at least 20 years.</p> <p>15 Q. Certainly he's been here longer than I have.</p> <p>16 A. Yeah.</p> <p>17 Q. To the best of your knowledge, has Mr. Branch engaged</p> <p>18 in protective activity against the Road Commission, to</p> <p>19 wit, filing a lawsuit against the Road Commission?</p> <p>20 A. Yes, he has.</p> <p>21 Q. And that lawsuit remains active, does it not?</p> <p>22 A. It's on appeal.</p> <p>23 Q. What do you perceive Mr. Branch's race to be?</p> <p>24 A. African-American.</p> <p>25 Q. What do you perceive Ms. Poplar's race to be?</p>	<p style="text-align: right;">Page 66</p> <p>1 Ms. Poplar was placed on a two-week unpaid suspension</p> <p>2 by Mr. Peivandi?</p> <p>3 A. No, I do not.</p> <p>4 Q. Do you have independent knowledge of the reasons that</p> <p>5 Ms. Poplar was placed on a paid administrative leave</p> <p>6 by Mr. Peivandi?</p> <p>7 A. I have none, no.</p> <p>8 Q. Is it the Board's role to approve contracts that are</p> <p>9 entered into between the Genesee County Road</p> <p>10 Commission and other third parties?</p> <p>11 A. Yes.</p> <p>12 Q. What is the effect of a contract that has not been</p> <p>13 approved by the Genesee County Road Commission?</p> <p>14 A. It's not effective.</p> <p>15 Q. Subsequent to Fred's recommendation of and the Board's</p> <p>16 approval of the creation of the administrative</p> <p>17 assistant position, we're orienting ourselves in 2018</p> <p>18 for reference, do you remember whether Donna Poplar</p> <p>19 made a subsequent request to move this position from a</p> <p>20 part-time to full-time position?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Do you remember whether or not you supported that</p> <p>23 move?</p> <p>24 A. I did support the move.</p> <p>25 Q. Did you always support it or did you come to support</p>



<p>1 it?</p> <p>2 <b>A.</b> I always supported it.</p> <p>3 <b>Q.</b> Okay. Do you remember, or subsequent to the creation</p> <p>4 of that job position, whether or not Donna Poplar made</p> <p>5 a request for a position to receive \$25 an hour as the</p> <p>6 starting salary?</p> <p>7 <b>A.</b> Yes, I remember that.</p> <p>8 <b>Q.</b> Do you remember whether or not you supported that</p> <p>9 position?</p> <p>10 <b>A.</b> I did support that position.</p> <p>11 <b>Q.</b> Do you remember whether or not you always supported</p> <p>12 that position?</p> <p>13 <b>A.</b> I always supported that position.</p> <p>14 <b>Q.</b> You heard some testimony earlier about the selection</p> <p>15 of a labor relations attorney to represent the Genesee</p> <p>16 County Road Commission; and in asking these questions,</p> <p>17 I'm going to again repeat an instruction, you've done</p> <p>18 very well to heed so far, Mr. Mandelaris, I give you</p> <p>19 credit, please do not disclose any privileged</p> <p>20 communications or any communications that are covered</p> <p>21 by the work product privilege in answering these</p> <p>22 questions.</p> <p>23 Do you know or do you remember whether</p> <p>24 the Genesee County Road Commission had a vote on who</p> <p>25 would represent the Road Commission with respect to</p>	<p>Page 67</p> <p>1 <b>Q.</b> Did you vote to approve it or not?</p> <p>2 <b>A.</b> I voted to approve it.</p> <p>3 <b>Q.</b> Did you vote to approve it for the reasons that you</p> <p>4 stated on the record today?</p> <p>5 <b>A.</b> Yes.</p> <p>6 <b>Q.</b> And did Mr. Nolden say whether or not he intended to</p> <p>7 attend the meeting today?</p> <p>8 <b>A.</b> Yes, he did.</p> <p>9 <b>Q.</b> What did he say about that?</p> <p>10 <b>A.</b> He said he did not think he would be able to attend</p> <p>11 the meeting because of a conflict.</p> <p>12 <b>Q.</b> Okay. Had he been asked, to the best of your</p> <p>13 recollection, whether or not he had been asked --</p> <p>14 whether or not he had been asked to attend the</p> <p>15 meeting?</p> <p>16 <b>A.</b> My guess is, he was asked.</p> <p>17 <b>Q.</b> Okay. Did he tell you who asked him to attend the</p> <p>18 meeting?</p> <p>19 <b>A.</b> No.</p> <p>20 <b>Q.</b> If I asked you to evaluate Fred Peivandi's job</p> <p>21 performance, how would you evaluate that job</p> <p>22 performance overall?</p> <p>23 <b>A.</b> Superior.</p> <p>24 <b>Q.</b> Mr. Mandelaris, given your history, you care deeply</p> <p>25 about diversity, equity and inclusion and fair</p>
<p>Page 68</p> <p>1 labor relations?</p> <p>2 <b>A.</b> I believe there was a vote, yes.</p> <p>3 <b>Q.</b> Do you have any reason to doubt the qualifications of</p> <p>4 the firm that was chosen to represent the Genesee</p> <p>5 County Road Commission with respect to labor</p> <p>6 relations?</p> <p>7 <b>A.</b> No.</p> <p>8 <b>Q.</b> Do you know whether or not Donna Poplar had any</p> <p>9 opposition to the decision to appoint that firm that</p> <p>10 ended up being selected as the firm?</p> <p>11 <b>A.</b> No.</p> <p>12 <b>Q.</b> To the best of your recollection, when is the last</p> <p>13 time you spoke with Commissioner Nolden?</p> <p>14 <b>A.</b> Yesterday morning.</p> <p>15 <b>Q.</b> Did you have a telephone conversation or was it in</p> <p>16 person?</p> <p>17 <b>A.</b> Telephone conversation.</p> <p>18 <b>Q.</b> Do you remember what Mr. Nolden and you talked about</p> <p>19 during this telephone conversation?</p> <p>20 <b>A.</b> Yes; it was the proposed reorganization of the Road</p> <p>21 Commission staff.</p> <p>22 <b>Q.</b> We held a vote about whether or not the proposed</p> <p>23 reorganization would be accepted today, correct, Mr.</p> <p>24 Mandelaris?</p> <p>25 <b>A.</b> Yes.</p>	<p>Page 70</p> <p>1 treatment at the Road Commission; correct?</p> <p>2 <b>A.</b> Yes.</p> <p>3 <b>Q.</b> Would you rate an employee's performance as superior</p> <p>4 if you believed that that employee was responsible for</p> <p>5 discriminating against other employees on the basis of</p> <p>6 race?</p> <p>7 <b>A.</b> I would not give him a superior rating.</p> <p>8 <b>Q.</b> Okay. Would you rate a person's performance as</p> <p>9 superior if you believed that that person had the</p> <p>10 intent to retaliate against employees engaged in</p> <p>11 protective activity here at the Road Commission?</p> <p>12 <b>A.</b> No.</p> <p>13 <b>Q.</b> Would you rate an employee as engaging in superior</p> <p>14 performance if you believed that that employee had the</p> <p>15 intent to deny reasonable accommodations to employees</p> <p>16 at the Road Commission?</p> <p>17 <b>A.</b> No.</p> <p>18 <b>Q.</b> Regardless of whether you remember voting for it or</p> <p>19 not, and regardless of whether it was a decision by</p> <p>20 the Board or not, do you support the change to have</p> <p>21 Donna Poplar report directly to Randy Dellaposta?</p> <p>22 <b>A.</b> Yes, I do support.</p> <p>23 <b>Q.</b> Do you think that's been going well?</p> <p>24 <b>A.</b> Yes.</p> <p>25 <b>Q.</b> Do you think Randy Dellaposta is overall a fair-minded</p>

Page 71

1 person?

2 A. Yes, I do.

3 Q. Do you think that the change to have Donna Poplar

4 report directly to Randy Dellaposta is a good outcome,

5 given Donna Poplar's concerns as expressed in her

6 complaints and in this lawsuit?

7 A. Yes, I do.

8 Q. You testified earlier that when Fred Peivandi was

9 first hired into the managing director position that

10 you voted for your part as one member of the five-

11 member Board to appoint him to that position; is that

12 right?

13 A. That's correct.

14 Q. I believe you also voted (sic) that Cloyce Dickerson

15 voted to not have him be in that position; is that

16 correct?

17 A. That's my recollection.

18 Q. And I think you anticipated my question here, which

19 is, to the extent the Board meeting minutes show a

20 different vote in that regard, would you have any

21 reason to doubt those Board meeting minutes?

22 A. No, I would not.

23 Q. Okay. 2018 is a while ago. I struggle to remember it

24 myself.

25 You testified earlier, I believe, that

Page 72

1 one of Fred's personality traits is that he likes to,

2 quote-unquote, be in command. Do you remember giving

3 that testimony?

4 A. Yes.

5 Q. He is the managing director of the Road Commission, is

6 he not?

7 A. Yes, he is.

8 Q. He's ultimately responsible for oversight of the Road

9 Commissions' administrative activities?

10 A. That is correct.

11 Q. I'm going to ask you a hypothetical. Donna thinks

12 that a directive should be handled in manner (a), and

13 Fred thinks the directive should be handled in manner

14 (b). Who has the authority to make the decision

15 ultimately?

16 A. The managing director.

17 Q. To the best of your knowledge, we'll restrict this

18 question to the last five years, say, has Anthony

19 Branch ever been placed on a two-week unpaid

20 suspension here at the Road Commission?

21 A. No.

22 Q. To the best of your knowledge, has Anthony Branch ever

23 been provided or directed to take a paid administrative

24 leave from his job duties?

25 A. No.

Page 73

1 Q. Has Mr. Anthony Branch, at least within the past five

2 years, ever been disciplined at all?

3 A. No.

4 Q. In fact, less the implication, the negative

5 implication be drawn, to the best of your

6 recollection, Mr. Branch has never been disciplined at

7 any point in time here during his tenure at the Road

8 Commission; correct?

9 A. I can't answer that.

10 Q. Ah. He predates you being on the Board; correct?

11 A. Right.

12 Q. Got it.

13 A. Yes.

14 Q. Within the time you've been on the Board, Mr. Branch

15 never received any discipline at any time, has he?

16 A. No.

17 Q. Even after he filed his lawsuit against the GCRC?

18 A. No.

19 Q. You testified that Donna had, I'm referring, of

20 course, to Ms. Poplar, the Plaintiff in this lawsuit,

21 had contacted you many times to talk to you matters

22 that were dealing of her position in office; is that

23 right?

24 A. Yes.

25 Q. When, to the best of your knowledge, was the last time

Page 74

1 that Donna Poplar contacted you to discuss a matter

2 dealing with her position in office?

3 A. Probably six months ago.

4 Q. Has she done that at any point subsequent to that?

5 A. No.

6 MR. CASCINI: Well, John, Julie may

7 have some more questions, but you are free from me at

8 least for the moment.

9 MS. GAFKAY: I do have some follow-up.

10 REEXAMINATION

11 BY MS. GAFKAY:

12 Q. So if Donna Poplar and Fred Peivandi disagree on

13 something, do you agree that if Donna's position is

14 the legal position and Fred Peivandi's is illegal,

15 that Donna Poplar's position should prevail?

16 A. I agree.

17 Q. You testified that at some point Donna Poplar's

18 request for accommodation for an administrative

19 assistant went from part time to full time?

20 A. Yes.

21 Q. Did Fred Peivandi oppose filling the administrative

22 assistant position full time to accommodate Donna

23 Poplar?

24 A. Yes.

25 Q. Do you agree that there's a difference between -- with

<p style="text-align: right;">Page 75</p> <p>1 regard to Donna Poplar's request for accommodation,</p> <p>2 there's a difference between simply creating the</p> <p>3 administrative assistant position and actually filling</p> <p>4 the position to provide the actual accommodation?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall after, you're welcome to look at Exhibit</p> <p>7 8, do you recall that after the administrative</p> <p>8 assistant position was created and budgeted, that it</p> <p>9 went unfilled for several months?</p> <p>10 A. No, I don't remember that.</p> <p>11 Q. Do you recall that it was unfilled -- there was a time</p> <p>12 that it was unfilled after the creation?</p> <p>13 A. Well, probably during the time it was being advertised,</p> <p>14 close to it.</p> <p>15 Q. Were you a Board of Commissioners member under John</p> <p>16 Daly?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. With regard to the managing director position,</p> <p>19 I believe one of the things you testified to is that</p> <p>20 the managing director has the authority to hire; is</p> <p>21 that right?</p> <p>22 A. That's correct.</p> <p>23 Q. Does the managing director have the authority to set</p> <p>24 forth the terms and conditions of employment for those</p> <p>25 he or she hires?</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. (BY MS. GAFKAY) Go ahead.</p> <p>2 A. He has the authority to hire and fire, but I question</p> <p>3 whether he has the authority to set the different</p> <p>4 positions in the table of organization; that would</p> <p>5 have to go through the Board, and following that, what</p> <p>6 the duties of the different positions would be.</p> <p>7 Q. You said you agree that Fred Peivandi engaged in a</p> <p>8 turf war with Donna Poplar?</p> <p>9 A. That's my opinion.</p> <p>10 Q. Do you agree that that would not be appropriate for</p> <p>11 him to do that?</p> <p>12 A. It would be appropriate for her not to do it.</p> <p>13 Q. I'm asking, so you think it's okay for -- do you think</p> <p>14 it's okay for Fred Peivandi to engage in a turf war</p> <p>15 with Donna Poplar?</p> <p>16 A. That's not what I'm saying.</p> <p>17 Q. That's what I'm asking, though.</p> <p>18 A. I would have to say no.</p> <p>19 Q. Okay. Was Fred Peivandi, did you ever recommend any</p> <p>20 type of discipline or action be taken against him for</p> <p>21 engaging in a turf war with Donna Poplar?</p> <p>22 A. No.</p> <p>23 MS. GAFKAY: I don't have any further</p> <p>24 questions at this time.</p> <p>25 REEXAMINATION</p>
<p style="text-align: right;">Page 76</p> <p>1 A. Yes.</p> <p>2 Q. So does the managing director have the authority to</p> <p>3 put those terms and conditions into an employment</p> <p>4 agreement?</p> <p>5 A. Yes.</p> <p>6 Q. And signing the employment agreement?</p> <p>7 A. By signing the agreement, what do you mean?</p> <p>8 Q. Well, as the managing director, setting forth the</p> <p>9 terms and conditions of employment for an employee,</p> <p>10 such as a director, do you agree that the managing</p> <p>11 director would have the authority to sign the</p> <p>12 agreement?</p> <p>13 A. I'm thinking that the duties and responsibilities of</p> <p>14 the position would have to be run through the Board</p> <p>15 first.</p> <p>16 Q. Why do you say that?</p> <p>17 A. Because the Board has the ultimate authority over the</p> <p>18 Road Commission.</p> <p>19 Q. Correct. But as far as the hiring, you said the</p> <p>20 managing director has the authority; true?</p> <p>21 A. Yeah.</p> <p>22 Q. And setting forth the terms and conditions of</p> <p>23 employment, the managing director has the authority?</p> <p>24 MR. CASCINI: Objection; asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 78</p> <p>1 BY MR. CASCINI:</p> <p>2 Q. John, I have one question for you, and I think that</p> <p>3 might be it, just one.</p> <p>4 If a managing director, any managing</p> <p>5 director, it could be Fred, it could be John Daly, it</p> <p>6 could be a hypothetical future managing director, were</p> <p>7 to execute and sign an employment agreement with an</p> <p>8 employee without the Board's knowledge or approval,</p> <p>9 would that agreement be valid?</p> <p>10 A. No.</p> <p>11 MR. CASCINI: Yes, that's all that I</p> <p>12 have. I'm all set.</p> <p>13 (Deposition concluded at</p> <p>14 3:14 p.m.)</p> <p>15 (END OF RECORD)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 STATE OF MICHIGAN )  
2 ) ss.  
3 COUNTY OF SHIAWASSEE )

4 I, Cynthia A. Lathrop, Court Reporter and  
5 Notary Public in and for the above county and state, acting  
6 in the County of Genesee, do hereby certify that the  
7 foregoing deposition was taken before me at the time and  
8 place hereinbefore set forth.

9 I further certify that said witness was by  
10 me sworn in said cause and the testimony then given was  
11 reported by me stenographically and subsequently  
12 transcribed and that the foregoing is a full, true and  
13 correct transcript of my original shorthand notes.

14 IN TESTIMONY WHEREOF, I set my hand and  
15 notarial seal at Shiawassee County, Michigan, this 8th day  
16 of August 2022.

17  
18  
19  
20  
21  
22 Cynthia A. Lathrop (CSR-2474)  
23 Notary Public in and for the  
24 County of Shiawassee,  
25 State of Michigan  
My Commission Expires: 2/2/26